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DOC #:
DATE FILED: 9/20/2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NGOC THO,

Plaintiff,

-against-

SECRETARY ALEJANDRO MAYORKAS, U. S.
Department of Homeland Security; DIRECTOR L
FRANCIS CISSNA, U.S. Citizenship and Immigration
Services; and DIRECTOR TERRI ROBINSON, USCIS
National Benefits Center, U.S. Citizenship and
Immigration Services,

Defendants.

1:21-cv-4417-MKV

ORDER

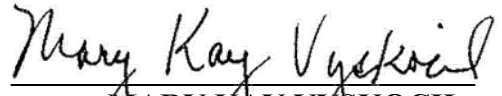
MARY KAY VYSKOCIL, United States District Judge:

On August 18, 2021, the Court entered an Order directing Plaintiff to serve the summons and Complaint on Defendants on or before September 17, 2021, or to show cause why service has not been made. [ECF No. 4]. The Court warned that failure to comply with the Court's Order would result in dismissal of the action for failure to prosecute. To date, Plaintiff has not filed proof of service, shown cause why service has not been made, or taken any other action to prosecute the case.

Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made by **October 20, 2021**. If no such application is made by that date, today's dismissal of the action is with prejudice. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

SO ORDERED.

Dated: September 20, 2021
New York, NY


MARY KAY VYSKOCIL
United States District Judge